IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KRISTAN DIAZ-CRUZ, : CIVIL NO. 1:11-CV-1302

Plaintiff : (Judge Rambo)

v. : (Magistrate Judge Carlson)

TED WILLIAMS, et al.,

Defendants

ORDER

The background of this order is as follows: On August 6, 2014, the magistrate judge to whom this matter was referred filed a report and recommendation (Doc. 162) in which he recommended that Defendants Binnion and Voorstad's motion for summary judgment be granted. On August 29, 2014, *pro bono* counsel for Plaintiff filed a motion to withdraw as counsel (Doc. 163). By order dated September 12, 2014 (Doc. 164), *pro bono* counsel was permitted to withdraw and the case was stayed pending a search by the Federal Bar Association to obtain new *pro bono* counsel for Plaintiff. On January 21, 2015, substitute *pro bono* counsel entered an appearance (Doc. 165).

By order dated January 22, 2015 (Doc. 166), this court ordered that the stay be lifted and that Plaintiff file objections to the August 6, 2014 report and recommendation (Doc. 162) no later than February 4, 2015. On February 4, 2015, Plaintiff's counsel filed a notice (Doc. 167) setting forth that Plaintiff is unable to refute and therefore does not object to the August 6, 2014, report and recommendation filed by Magistrate Judge Carlson.

IT IS THEREFORE ORDERED THAT:

1) The court adopts the report and recommendation of Magistrate Judge Carlson (Doc. 162).

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2) The motion to dismiss or in the alternative for summary judgment (Doc. 155) is **GRANTED** as to Defendants Bennion and Voorstad and they are **DISMISSED** from this action.

3) This matter is remanded to Magistrate Judge Carlson for further proceedings.

s/Sylvia H. Rambo
United States District Judge

Dated: February 4, 2015.